



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 5703-99
28 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 1 November 1988, the Physical Evaluation Board made recommended findings that you were unfit for duty because of ethanol related pancreatitis, rated at 10% less a 10% non-compliance factor, for a final rating of 0%. You accepted those findings on 2 November 1988, and you were discharged with entitlement to disability severance pay. On 20 July 1970, the Veterans Administration (VA) awarded you a 10% rating for pancreatitis. The rating was increased to 30% from 7 February 1996, and ratings of 20% were added for diabetes mellitus and polyneuropathy from 16 January 1992 and 14 July 1996, respectively. Your request for service connection for depression was denied on 18 April 1997. The VA determined that although you suffered from a number of mental disorders, the etiology of those conditions extended back to your childhood, and there was no indication that they were related to your service in any way. On 7 July 1999, the rating for pancreatitis was reduced to 10%, and those for diabetes and neuropathy eliminated, under the provisions of the Omnibus Budget Reconciliation Act of 1990, which prohibit the payment of disability compensation and increases in existing ratings in claims filed on or after 1 November 1990, for conditions resulting from the abuse of alcohol.

The Board was not persuaded that you suffered from a mental disorder which was incurred in or aggravated by your naval service, and rendered you unfit for duty at the time of your discharge. It appears that the symptoms of nervous disorders you displayed from time to time during your service were related to your traumatic childhood, or were acute conditions related to intoxication and/or long term alcohol abuse, and were not unfitting. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director